

ORIGINAL

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

FILED

FEB 18 2009

**U.S. COURT OF
FEDERAL CLAIMS**

PLANETSPACE INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

Case No. **09-99 C**

**PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION
TO PREVENT UNLAWFUL OVERRIDE OF CICA STAY**

Pursuant to RCFC 65, Plaintiff PlanetSpace Inc. ("PlanetSpace"), through the undersigned counsel, respectfully moves the Court for a preliminary injunction enjoining Defendant, the United States, its officers, employees, and agents from (i) further implementing its override of the automatic stay of performance imposed by the Competition in Contracting Act on Contracts No. NNJ09GA02B and No. NNJ09GA04B, awarded by the National Aeronautics and Space Administration (the "Government"), and (ii) allowing performance of said contracts to proceed.

The Government awarded the contracts on or about December 23, 2008, to Orbital Sciences Corporation and Space Exploration Technologies, respectively.

Plaintiff PlanetSpace respectfully requests that this preliminary injunction remain in force until the Court enters a final judgment on the merits in this case or until PlanetSpace's bid protest before the U.S. Government Accountability Office, B-401016, is resolved, whichever occurs first.

The grounds for this relief are set forth in the accompanying memorandum and the exhibits thereto.

Dated: February 18, 2009

Respectfully submitted,

Of Counsel:

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